

United States District Court
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

JUAN DIEGO CERVANTES, #07616-380	§	
	§	
v.	§	CIVIL ACTION NO. 3:23-CV-0484-S-BT
	§	
UNITED STATES OF AMERICA	§	

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

The United States Magistrate Judge made findings, conclusions, and a recommendation in this case. No objections were filed. The Court reviewed the proposed findings, conclusions, and recommendation for plain error. Finding none, the Court **ACCEPTS** the Findings, Conclusions, and Recommendation of the United States Magistrate Judge. The Government's Motion to Dismiss 28 U.S.C. § 2255 Motion as Untimely Filed [ECF No. 32] is **DENIED**. The Opposed Motion for Leave to Amend [ECF No. 72] is **DENIED** as moot. The Court finds that Movant Juan Diego Cervantes's amended Motion under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody [ECF No. 28] has merit, and, by separate judgment, Movant will be permitted to file an out-of-time appeal.

SO ORDERED.

SIGNED June 30, 2025.


UNITED STATES DISTRICT JUDGE